

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

COURTNEY DIANA, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

HORIZON HEALTHCARE SERVICES,
INC., d/b/a HORIZON BLUE CROSS
BLUE SHIELD OF NEW JERSEY, a New
Jersey corporation.

Defendant.

CIVIL ACTION NO.: 2:13-cv-07418-CCC-MF

**STIPULATION AND ORDER
STAYING ANSWER, MOTION OR OTHER
RESPONSE TO COMPLAINT**

WHEREAS, the Complaint was served upon Defendant Horizon Healthcare Services, Inc., d/b/a Horizon Blue Cross Blue Shield of New Jersey (“Horizon”) on December 26, 2013; and

WHEREAS, Horizon previously requested from Plaintiff an extension to February 18, 2014, to answer or otherwise plead and to allow it to obtain counsel, and Plaintiff agreed with that request, subject to Court approval; and

WHEREAS, on January 28, 2014, another lawsuit was filed as a related matter, to wit, *Karen Pekelney, et al. v. Horizon Healthcare Services, Inc.*, Civ. No. 2:14-cv-00584-CCC-MF (“Pekelney”). On February 10, 2014, the plaintiffs in the *Pekelney* case filed a motion to consolidate that case with the instant case, returnable on March 17, 2014, asserting that the two cases involve “the same putative class members, are against the same defendant, have nearly identical factual allegations, and contain overlapping legal claims,” and requesting that the two cases be managed through a single set of pleadings; and

WHEREAS, Horizon believes it would be more efficient to first determine whether the cases will be consolidated and a consolidated complaint will be filed; and

WHEREAS, Plaintiff, subject to Court approval, does not oppose a reasonable extension based on those facts.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for Plaintiff Diana and Horizon, subject to this Court's approval, that Horizon's time within which to answer, move or otherwise respond to the Complaint is hereby stayed pending resolution of the motion to consolidate. If the *Pekelney* case and this case are not consolidated, the response to the complaint shall be filed and served within 28 days of the order denying consolidation. If the *Pekelney* case is consolidated with this case, Horizon's response shall be filed within 28 days from the filing of a consolidated complaint or on such other date set by the Court.

WILENTZ, GOLDMAN & SPITZER, P.A.

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SO ORDERED on this 18 day of February, 2014



2/18/14

Hon. Mark Falk, U.S.M.J.